

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

JAMES DEWAYNE WEST

PLAINTIFF

v.

CAUSE NO. 1:12CV203-LG-JMR

**MICHAEL J. ASTRUE,
COMMISSIONER OF SOCIAL SECURITY**

DEFENDANT

**ORDER ADOPTING REPORT AND RECOMMENDATION AND
DENYING PLAINTIFF'S MOTION FOR JUDGMENT ON THE PLEADINGS**

This cause comes before the Court on the Report and Recommendation of Chief United States Magistrate Judge John M. Roper entered in this cause on January 7, 2014. Magistrate Judge Roper reviewed Plaintiff West's Motion [13] for Judgment on the Pleadings and the Defendant's memorandum in opposition. West did not file a rebuttal.

West's application for a period of disability and disability insurance benefits was denied by the Social Security Commission after the Administrative Law Judge found that West had not been under a disability during the relevant time period. West now seeks a judgment that the ALJ's conclusions are not supported by substantial evidence and/or are contrary to law and regulation. Magistrate Judge Roper analyzed the decision and the evidence supporting it, and determined that West had failed to show there was insufficient evidence to support the decision, or that the ALJ applied an incorrect legal standard.

West did not file an objection to the Magistrate Judge's conclusions or recommendation within the time allowed by 28 U.S.C. § 636(b)(1). In such

circumstances, the Court must review the Report and Recommendation to make certain that it is neither clearly erroneous nor contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989). After careful review of the Report and Recommendation, the Court finds it is neither clearly erroneous not contrary to law. Therefore, it will be adopted as the opinion of this Court.

IT IS THEREFORE ORDERED AND ADJUDGED that the Report and Recommendation [17] of Chief United States Magistrate Judge John M. Roper entered in this cause on January 7, 2014, should be, and the same hereby is, adopted as the finding of this Court.

IT IS FURTHER ORDERED AND ADJUDGED that Plaintiff's Motion for Judgment on the Pleadings [13] is **DENIED**. Plaintiff's appeal is **DISMISSED**.

SO ORDERED AND ADJUDGED this the 22nd day of January, 2014.

s/ *Louis Guirola, Jr.*
LOUIS GUIROLA, JR.
CHIEF U.S. DISTRICT JUDGE